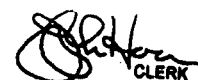


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

SEP 25 2015


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAHDI HAKIM, a/k/a Damon Hargrove,

Defendant.

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CR 05-40025

ORDER DENYING
MOTION FOR REDUCTION
OF SENTENCE

Defendant Mahdi Hakim, Damon Hargrove, filed a *pro se* motion for a reduction of sentence under 18 U.S.C. § 3582(c)(2) based upon Amendment 782 to the Sentencing Guidelines. Plaintiff opposes the Motion, contending that Hakim was sentenced as a career offender and as a result, his base offense level was increased to 37 pursuant to U.S.S.G. § 4B1.1. Because this enhancement was unaffected by the recent guideline amendment, Plaintiff contends Hakim's offense level has not changed. In a Reply, Doc. 108, filed by the Assistant Federal Public Defender, Jason Tupman, counsel states it has no additional materials to present and asks the Court to base its ruling on Hakim's submission.¹

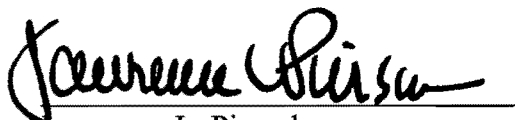
The Eighth Circuit Court of Appeals recently addressed this issue in *United States v. Thomas*, 775 F.3d 982 (8th Cir. 2014), wherein the Court found that Amendment 782 did not lower the sentencing range for a career offender and therefore Thomas was not eligible for a § 3572(c)(2) reduction. Similarly, Hakim is not eligible for a reduction of his sentence. Accordingly, it is

¹On August 14, 2014, Chief Judge Jeffrey L. Viken issued a Standing Order appointing the Office of the Federal Public Defender for the Districts of South Dakota and North Dakota to represent all defendants in criminal cases in the district who may be eligible to seek a reduced sentence based upon retroactive application of Amendment 782 to the United States Sentencing Guidelines if the drug quantity table of U.S.S.G. § 2D1.1 was used in calculating their sentence.

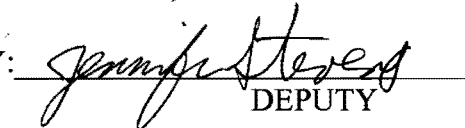
ORDERED that the Motion for Reduction of Sentence, Doc. 106, is denied.

Dated this 25th day of September, 2015.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY